

UTES CANNOT LEASE LANDS

Indians Own Only the Ground Which They Occupy.

NO GOVERNMENT TREATY RED MEN FOOLED INTO SUPPOSING THEY OWNED RESERVE.

Judge Marshall rules that the Indians have no right to lease lands reserved for them by the government. In the case of the Strawberry Valley Cattle company versus Benjamin Argyle, he instructed the jury to bring in a verdict for the defendant. The case will probably be appealed and the result will be watched with closest interest by the stock raisers in this part of the west.

The action was brought by the company to protect its interests in the reservation. It made a contract with the Utah chiefs to lease cattle upon that reservation and paid the Indians over \$7,000 for the right. Argyle, it is alleged, trespassed upon these rights by causing his stock to be driven upon the grazing lands of the Indians. When ordered away he refused to go, claiming that the Indians did not own the land and that it is public property. The company claimed to have an absolute right to the grazing lands as the result of the contract entered into with the Indians, and the action followed.

Never Made a Treaty. During the trial it was shown that the government had never made a treaty with the Utes, and it was held that the Indians did not, therefore, control any land excepting that part taken up by each individual. The reservation was created during Lincoln's administration. At that time the Indians roving over Colorado, Arizona and New Mexico were known as the Indians of Utah or the Utes. They were divided into several tribes, but the government wanted to protect them from molestation, and the Utah reservation was created.

At that time there were other small reservations in this state, which have since been opened to public domain, and the Indians were promised a certain amount of land if they would return to the reservation. There were some Apaches and other warlike tribes, and these went south and refused to settle upon the reservation. The Utes took up the land and by surrendering their roving habits proved their right to the land they occupied.

Right to Lease Land.

The question of whether the Indians have a right to lease the lands they hold in this way has always been a mooted subject. It is a question upon which the courts have never agreed. The Utah reservation was created, it is claimed, as a sort of dumping ground for numerous tribes, many of whom spoke a different tongue. After the Indians settled there a dispute arose as to whether the Utah reservation included more than the Utah valleys. Some authorities held that it included also the valleys of the Duchesne, and a survey of the territory was ordered by the government. This established the boundaries of the reservation, but it has been held that the Indians controlled only such parts of the reservation as they were allowed as individuals to take up by the government. The federal court takes, apparently, the same view of the situation and holds that the Indians have no right to dispose of any of the government land excepting such parcels as they have taken up. The claim of the Indians has always been that they bought the land. They claim that they accepted the reservation lands in exchange for the lands which they surrendered when they gave up the larger territories, but the fact remains that there never was a treaty with the Utes, and technically opens the ground for the defeat of the plaintiffs to the present action.

INJURIES RATHER SERIOUS

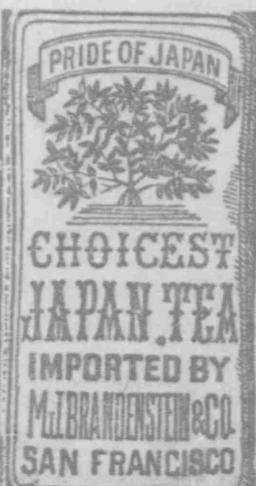
Condition of Henry Beckstead Took Change For the Worse Yesterday.

It is feared that Henry Beckstead of Bingham Junction has sustained internal injuries which may prove serious. His condition took a sudden change for the worse yesterday and increased pain in the back and abdomen were complained of by spitting blood. Sheriff C. Frank Emery, who visited his deputy yesterday, said that his condition is quite serious.

Mr. Beckstead proved himself a hero two or three days ago by stopping a runaway horse at the risk of his own life to save the lives of a number of little children who were playing in the middle of the road down which the horse was running at break neck speed, having gotten beyond the control of the occupants of the vehicle. The deputy sheriff grasped the horse's bridle and swung him at an angle towards the railroad track, thus diverging his course, which was straight towards the children a little further down the road. The sudden turn upset the vehicle, throwing the occupants to the ground. They escaped with slight bruises. While trying to quiet the frightened animal Mr. Beckstead was kicked several times. The horse was so badly frightened that he refused to be quieted and plunged down a small embankment alongside the railroad track, taking Mr. Beckstead with him. The three Mr. Beckstead, the horse and the buggy, landed in a heap in the bottom of the ditch, the man underneath the two.

When he was extracted from his perilous position it was not thought that he had sustained more than a bad shaking up and a few slight cuts and bruises. But his condition yesterday inclines to the belief that his injuries are internal.

"TREE TEA" A TRIAL WILL CONVINCE



WORK TO KEEP SCHOOLS OPEN

More Parents Take Hold of Raising of Funds.

MOVEMENT SPREADS FAST ENCOURAGING SUCCESS RESULTS FROM EFFORTS MADE.

Still more of the parents are taking hold of the raising of funds to keep the schools open the full term, and they are meeting with encouraging success. The fact that if the schools do not remain open the children will be kept back a half year has stimulated them to make every effort.

A mass meeting of the citizens of the Whittier district will be held at the school house at 8 o'clock tomorrow evening.

The patrons of the Emerson school have organized to raise the necessary money, \$150 being pledged at the meeting in addition to the amount promised for tuition. A committee of ten was appointed to make a careful canvass of the people of that part of the city to raise sufficient funds to pay the teachers' salaries for the balance of the year. The committee held a meeting at the school building yesterday and perfected plans for future operations. The committee consists of Mrs. E. W. Wilson, Mrs. H. V. Van Pelt, Mrs. L. P. Judd, Mrs. H. C. McDonough, Mrs. E. D. Stillman, Mrs. Charles Robbins, C. E. Street, Thomas Harris, W. H. Clark and Byron Cummings.

The patrons of the Lincoln school have appointed two committees. The general committee consists of Mr. Nichols, Mrs. Sarah Clayton, Mrs. Long, Mrs. Burton, Mrs. J. G. Smith, Mrs. Annie Poulton, Mrs. Pardee, Mrs. Sarah Kimball, Mrs. Sarah Ellen Glaque and Alex Buchanan, Jr. The special committee consists of Albert Reiser, Hugh Watson, A. E. Poulton, James Watson and E. J. Barclay. Active work will be begun immediately.

Mrs. N. A. Ransohoff and Mrs. H. W. Doecher are the committee to solicit funds for the Twelfth school. As they will not be able to visit personally all the parents in the district, they request all who can to communicate with them and make their contributions.

PREPARING FOR BIG FAIR.

Directors to Make Improvements and Increase the Premium Lists.

The board of directors of the Deseret Agricultural and Manufacturing Society held its first regular business meeting of the year yesterday afternoon at the office of Secretary W. J. Bateman in the Hooper building. Much enthusiasm was manifested in the fair, which will be held this fall.

There was a sentiment among the directors that the fair this year will probably be much larger in the way of exhibits and displays than ever before. They held their judgment upon the fact that stockmen and farmers throughout the state are enjoying an unusual degree of prosperity and will have the means and will take the time to exhibit.

Inducements for larger displays and exhibits will be held out by the directors this year by increasing the premium lists \$2,000 over what they were last year. To insure a better class of races and secure faster and finer horses for these contests, richer prizes and purses will be hung up this fall than ever before in the history of the society.

Considerable money will be expended by the directors this summer in increasing the capacity of the sheep and cattle sheds. Additional sheep pens will also be erected. The matter of enlarging the grand stand was discussed. No action was taken, but it is the consensus of opinion that it should be extended. The grounds will be beautified by the planting of trees and placing of sod.

The supervisors have been given the premium lists with instructions to complete them with little delay, that they may be printed and circulated throughout the state as soon as possible.

TO IMPROVE KNUTSFORD.

Mr. Holmes Now East to Arrange For the Addition.

Gus S. Holmes, manager of the Knutsford, is on the way home from a visit in the east. He believed that when he returns he will have something definite to say regarding the addition to the hotel which has been under consideration for some time. It is the intention to put up a six-story building on the site north of the original structure. This will be fitted up with rooms of the most modern style and one of the features will be a cafe to be conducted upon more elaborate plans than anything of the kind in the city. A number of changes will also be made to the interior of the present office. Another flight of marble stairs will rise above the present ones and some changes will be made to the galleries.

The old and the new buildings will be connected with each other by broad marble halls so that the new part can be entered from the upper rooms as well as the ground floor. A large courtyard is also to be provided for in the arrangement of the new part.

FOR FREE CONCERTS.

Public Is Asked to Raise Fund by Subscription.

Free band concerts in Liberty park will be held this summer if the public responds with sufficient liberality to a request for funds. A circular letter has been sent out by A. S. Zimmerman, manager of Held's Military band, explaining the situation, as follows:

"Believing that free public band concerts are not only a source of enjoyment and higher education to the people, but also an important factor in the upbuilding of the city's reputation for culture and advancement, we take pleasure in calling your attention to a few facts in this connection. "During the season of 1902 Held's Military band gave a series of sixteen free Sunday afternoon concerts at Liberty park at a cost of over \$800.

"The patronage accorded these concerts proves their immense popularity, the attendance exceeding 100,000 interested listeners. "Encouraged by the success of last season's undertaking, Held's Military band proposes to go a step farther this season and give two free concerts each week from May 31 to Sept. 1, a concert on July 4 and July 24, etc. This will entail an expense of about \$1,800.

Contributions of 25 cents or more are asked.

MEXICAN STRIKERS WEAKEN.

Los Angeles, Cal., April 25.—The strike inaugurated yesterday by the Mexican laborers employed by the Pacific Electric Railway company seems to have been effectually broken today. Nearly 500 men are employed on construction work. A large number of those who went on strike yesterday applied for work today, but were refused.

BUILDINGS FOR FORT DOUGLAS

Ground Will Be Broken by the Contractor Tomorrow.

WORK WILL REQUIRE A YEAR TWO BUILDINGS WILL ACCOMMODATE FOUR TROOPS.

Ground will be broken on Monday for the new buildings to be erected at Fort Douglas. Guy Atkinson, representing the firm of J. W. Atkinson & Son of Colorado Springs, who secured the contract for the buildings, has been in the city several days getting men and material together for the work. Headquarters here from Des Moines, Ia., where the firm is completing six buildings for the government.

Two buildings are to be erected at Fort Douglas at present and it is expected that others will follow as soon as these are finished. The buildings will be two stories high and will each have a basement. It will take about a year to complete them. The buildings, which will be 150x104 feet, are to be put up just south of the present guard house and will be large enough for four troops of cavalry. The foundation walls will be of red brick stone, the superstructure of red pressed brick and the roof of slate.

Like all the buildings now being erected by the government, these will be modern in all their appointments and will seek the comfort of the men. The basement will be fitted up with store rooms, boiler and toilet rooms. The latter will have shower baths and other modern conveniences. On the first floor will be located the kitchen, mess hall and dormitories. On the second floor will be more dormitories and a tailor shop. There will also be an office for the first sergeant on the first and second floors.

Each building will accommodate 100 men, and the buildings will be quite ornamental. Mr. Atkinson stated last evening that the bids were opened last March and the papers had to be sent to Washington for approval. It took six weeks to get them back. Mr. Atkinson received them a week ago. He said that the government is putting up a great many of these buildings now, and that appropriations for this work have been more liberal of late years.

It is the intention to change the arrangement of the buildings, however, as the present one is somewhat small for a large display. The buildings are to cost about \$15,000 each. Most of the bids were for a lot of 5 per cent. The timber will be purchased on the coast. Mr. Atkinson will start with 100 men and fifteen teams, and the work will require about one year.

HEALTH OF THE CITY.

Scarlet Fever Decreased and Diphtheria Increased Last Week.

The mortality in Salt Lake City for the week ending April 25 shows a slight decrease as compared with last week, there being eighteen deaths reported, fifteen of that number being males and three females; of the total mortality, ten were over 55 years of age. The birth rate for the week is fairly representative of the normal rate of the city, the normal ordinance requiring the report of births within five days having become operative. The number of births reported during the week was thirty-seven, seventeen being males and twenty of the opposite sex; this is twelve less than the preceding week, and two less than for the same week of last year.

At the close of last report there were nineteen cases of scarlet fever in quarantine; during the week three new cases developed and six having been discharged, left sixteen cases in detention in nine premises, as compared with twenty-nine for the corresponding period of last year.

Eight new cases of diphtheria were reported during the week and three were released, leaving fifteen cases in quarantine, as against ten for the preceding week and eleven for the same week of last year.

At the close of last report twenty-six cases of smallpox remained in quarantine; sixteen cases developed during the week and the same number having recovered, left twenty-six cases at the close of this report.

Three cases of measles, five cases of German measles and three cases of chickenpox were also reported.

A New Institution.

The many friends of Miss Grace Delle Davis and Miss Burkella Pierce, the two popular artists and teachers of Salt Lake City, will be pleased to learn that they have united their kindred arts of expression and physical culture into the Pierpont School of Oratory and Physical Culture, which occupies a pleasant suite of rooms in the Commercial club building. Such an institution will be an honor to our city and with these two earnest, consecrated young ladies at its head, it cannot but merit the patronage and interest of our people.

WALL PAPER SALE.

Largest stock in endless variety. Fifty-cent gills going at 35 cents; 40-cent gills going at 25 cents; Ingrains, 25 cents. Don't fail to see our reduced 10c, 15c and 20c papers. Nothing like them anywhere. Phone 1238-K. GEORGE W. EBERT & CO., 326 State Street.

ARTICLES OF INCORPORATION.

Articles of incorporation of the Home Knitting company of Ogden were yesterday filed with Secretary of State James T. Hammond by David C. Eccles, Thomas E. Evans, David C. McKay, Robert C. Stratford and William H. Eccles, who constitute the board of directors. The company will conduct a general knitting manufacturing business at Ogden with a capital stock of \$25,000, divided into 250 shares, at a par value of \$100 each.

St. Louis and Return Via Oregon Short Line April 25 and 26. Tickets good returning until May 10.

NURSES TO MEET. There will be a meeting of the Relief Society Corps of Nurses at the residence of Mrs. N. A. Empey, 189 East South Temple street, Monday at 2 p. m.

Followers of "77" for Grip and Colds, should know about Dr. Humphreys' Specifics for Dyspepsia, Indigestion and Weak Stomach; for Female Diseases; for Rheumatism; for Headache and Neuralgia; for Skin Diseases; for Kidneys and Bladder. At Drugists, 25 cents each, or mailed.

Doctor's Book mailed free. Humphreys' Med. Co., Cor. Wm. & John Sts., New York.

LAWYERS AT DINNER

More Than Sixty Members of Bar Association Attended a Banquet.

"The devil is in you if you cannot dine." That was the invitation which was sent to members of the Utah bar association to attend the annual banquet, which was given last evening at the Commercial club. Rather than let their fellow barristers think for a single moment that the State of Utah reposed within their breasts, more than sixty members of the association responded to the "writ of mandate" to be present.

The old adage, "Men are but boys grown tall," was proven "beyond all reasonable doubt" when it came to the toasts. Wit and sarcasm, mirth and pathos, jest and sober thought were so profusely interspersed in the remarks of those who responded to the toasts that the banquet has been "filed for record" as one of the most enjoyable given by the association.

Toward closing, "writs of mandate" were issued by the toastmaster, citing each and every member to catch the last car for home lest he be "adjudged in contempt." Appeals were taken but, for once in their lives, every attorney present lost his case, the higher tribunal of better judgment "sustaining" the toastmaster.

Andrew Howat, who is president of the association, delivered the welcoming address. He was then made toastmaster, and announced the following toasts in the order named:

Toastmaster of the Evening—In view of the pending trial case of Pennsylvania, we claim no credit—and assume no responsibility; every tub stands on its own bottom tonight—Judge O. W. Powers.

A Prototype of the Learned Professions—(Or the intellectual Indian who first gathered dried snakebites, bartered charms and led the can-can round the council fires of his tribe.)—W. L. Magnuson.

The Lawyer as a Patriot—and Hero.—"I am a mortal man—again, a lawyer. My martial part I have put off."

Utah Bar Reminiscences, Fore and Aft—"Thou canst not live on this side of the world, feed well, drink tobacco and be honored, but thou must be acquainted with all sorts of men."—C. W. Stevens.

The Lawyer—Or those of him, not extinct—who have now become the chaplains of the capitalists of industry.—George H. Smith.

Are We "Persona Non Grata"?—Use every man after his desert, and who should 'scape whippink."—W. L. Brown. Professional Modes of the Hour—Or contingent fees, enable the corporate attorney to live?—Waldemar Van Cott.

The Outlook for Our Cult in "Greater Salt Lake—Or successful advocacy in the last judgment.—Daniel Harrington.

ST. LOUIS EXCURSION.

April 25 and 26, Via Oregon Short Line. Fare for the round trip from Salt Lake City, \$39.50. Tickets good returning until May 10. See agents for particulars.

The Union Savings & Investment Co.

B. H. Roberts, president. O. G. Snow, vice president. Joseph Nelson, treasurer. A. H. Snow, secretary. Authorized capital, \$1,000,000. Subscribed capital actually in force, \$500,000.00.

This company has added a deposit stock withdrawable after thirty days notice and will allow 5 per cent interest for six months and 6 per cent if not withdrawn for one year. This stock is full participating and will share in the profits of the company if left till maturity, which we feel confident will not be less than 10 per cent. 200-1 Progress building.

Learn to Dance at "Loiselle's." He is teaching the waltz and two-step perfect for \$5.00. Call at 115 East First South. Hall to rent to clubs, private parties, etc.

Dr. E. M. Keyser's method of filling teeth is painless. 162 Main street, Auerbach building. Telephone 1129 K.

New Life to Weak Men.

Old Men Made Young Again—Weak Men Find Old-time Strength and Power of Youth.

TRIAL PACKAGE MAILED FREE.

To the men who have tried every known remedy to revive their waning power or lost manhood, and have given up in despair, we offer a remedy which comes as a most blessed promise. This



NEWMAN'S ALTERATION SHOE SALE

We Enlarge Our Store May 1st.

Must have more room for carpenters to work. This will be no Bankrupt Sale or job lots, but a Genuine Sale of New and Seasonable Goods, fresh from the factories of Boston, Lynn and Rochester where the best shoemaking is done.

Men's \$3.50 and \$4.00 Goodyear Welts, in Vici Kid, Velour Calf; new spring weight, for— \$2.65	Groves' Soft Shoes for tender feet, in 14 different patterns; all reduced for this sale.
Men's \$2.50 and \$3.00 Kid, Colt and Calf, for— \$1.85	Boys' best Box Calf and Vici, \$2.75 values, now— \$1.85
Men's Patent Colt and Vici Kid Oxfords, \$3.50 and \$4.00 values, Goodyear Welts \$2.65	Boys' School Shoes, in Veal Calf, nailed on bottom, regular \$2.25 values, now— \$1.65
Men's best \$6.00 grade, in Torry's make— \$4.65	Misses' School Shoes, in Box Calf and Vici, regular \$2.00, for— \$1.15
Ladies' fine hand-turn or welts, \$3.50 and \$4.00 values— \$2.45	Child's, same as above— \$1.00
Ladies' McKay sewed, in Vici and Don-gola Kid, medium weight soles, value \$2.50— \$1.45	Infants' soft soles, all colors, the 75c kind, 35c

Remember, all our stock of Shoes will be in this sale—there will be no job lots or broken sizes—everything Fresh and New. This week of Shoe selling will be remembered by the shrewd buyers.

NEWMAN'S, 120 Main St.

Phone 548.

Big Red and Blue Sign Marks the Place.

TWO GOOD SHOE MEN WANTED.

METEOROLOGICAL REPORT.

Yesterday's Record at the Local Office of the Weather Bureau.

Maximum temperature, 30 degrees; minimum temperature, 48 degrees; mean temperature, 64 degrees, which is 12 degrees above the normal. Accumulated deficiency

of temperature since the first of the month, 1 degree. Accumulated deficiency of temperature since Jan. 1, 211 degrees. Total precipitation from 6 p. m. to 6 p. m., none. Accumulated deficiency of precipitation since the first of the month, 1.25 inches. Accumulated deficiency of precipitation since the first of January, 1.71 inches.



As used by L. & A. Colm, Keith, O'Brien, Paris, Millery, Walker, Bros., and 20 other firms in Utah.

Low Rates East.

There will be a lot of low rates east this summer, and if you will tell me where you want to go I will tell you the best and cheapest way to make the trip.

I've been in the passenger business twenty years, and the knowledge I've gained by experience, the good teacher, is entirely at your service.

Remember the Burlington is the short line from Denver to all the East, and there is no better service in the world than we give you. Why take any chances?

Burlington Route

TICKETS:

No. 79 W. Second South St., R. F. NESLEN,

General Agent.

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Fur Storage

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Knutsford Hotel Building.
is prepared to receive

FURS FOR STORAGE

Under the usual guarantees for safe-keeping.

FUR REPAIRING.

Advantages can be secured by having contemplated repairs made during the spring and summer.

THIS FINE TRUNK.

Four clasps on top, two hardwood slats around body, Yale lock straps, Hagney bolts, three hinges, full corner tray, hat box. This is an \$8 bargain for—
\$5.95

Be sure you get the right place.
DAVID I. GALLAGHER, 69 E. 3d St

One-fourth block west of Knutsford. Trunks repaired at reasonable prices.

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